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SUBJECT: Niamey Fraud Summary (March 1 - Sept 30, 2009)

Ref: a) 08 State 074840 b) State 57623

¶1. The following cable responds to the Department's request (ref A and B) for updated information on patterns of fraud in consular activities and post's fraud prevention efforts.

a. Country Conditions in Niger  
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¶2. Niger recently was ranked last among the 182 countries evaluated in the UNDP Human Development Index, well below other countries with similar per capital GDP (slightly over USD 600 per capita in 2007). The economy is largely pastoral, with livestock exports second only to uranium exports as a source of foreign exchange. Niger imports most manufactured goods, and depends upon food imports to cover basic human needs. Poverty and lack of employment motivate Nigeriens to seek work in other areas of West Africa, but few would-be emigrants have the education or experience for success in developed economies, so Niger has a much smaller and less wealthy diaspora than neighboring countries.

¶3. Niger's fledgling democracy provided political stability for nearly ten years until mid-2009, when President Tandja refused to accept constitutionally mandated limits to two consecutive presidential terms of five years each. He, instead, consolidated power through a new constitution adopted by means of a controversial national referendum held on August 4, 2009, in spite the opposition's boycott. Seeking to intimidate the opposition, the government harassed opposition figures and arrested independent journalists. While the opposition has remained peaceful thus far, the unstable political situation holds considerable risk for Niger.

b. NIV Fraud  
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¶4. Because visa validity is limited to one year, a high percentage of NIV approvals are renewals. Most NIV fraud in Niger involves presentation of fake documents in support of visa applications by individuals who are clearly unqualified. Post limits investigation to those few cases that are otherwise approvable, or that suggest a specific pattern of document fraud. During the reporting period, post recognized that several applicants presented fraudulent bank statements with exactly the same withdrawals and deposits, indicating that the documents had been generated from the same base document. Copies of these documents were provided to the bank.

c. IV Fraud  
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¶5. Polygamy is deeply embedded in Nigerien culture and most Nigerien men have several wives. Most IV fraud involves Nigerien men who have overstayed their visas and adjusted status in the United States after marriage; in many cases, they remain legally married and emotionally tied to their original wife or wives in Niger. When the Amcit wife petitions for immigration of her husband's children by a "prior" marriage, and the children report that their father is still married to their mother; frequently investigation reveals that the

divorce papers presented in the father's adjustment of status were false.

¶6. In one case, the father had naturalized and divorced his American wife and petitioned for the immigration of his original wife and their children, including one conceived during a visit to Niger while he was still married to the Amcit. Post welcomes the opportunity to verify divorce documents before the adjustment of status is granted and has responded to a number of such requests during the reporting period. In almost all cases, the documents were fraudulent.

#### d. DV Fraud

¶7. Diversity Visas represented over half of the total immigrant visa cases processed in Niamey during FY 2009. Of 26 cases adjudicated, 12 were refused, most because the principal applicant lacked the required educational or professional experience or had failed to include all family members in the original entry. Post verifies all BAC certificates in DV cases, and false certificates accounted for three refusals this year.

¶8. The presence of a new spouse was an indicator of potential fraud, particularly when the marriage had taken place in another country. Post conducted separate interviews and referred all documents in these cases for verification. Documents were confirmed fraudulent in two cases, and two other cases expired after the couples could not provide similar information in dual interviews and the documents could not be verified. In all four cases, the couples' sponsor in the United States was a relative of the derivative applicant who had entered the United States as a DV2 derivative, but was no longer living with that person.

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#### e. ACS and U.S. Passport Fraud

¶9. Most passports issued at post are renewals for individuals who are either missionaries or development workers. When the new passport is for a child born in the United States to Nigerien parents, post routinely requires photos and passport to document the mother's presence in the United States as well as transition photos for the child.

#### f. Adoption Fraud

¶10. Post did not process any adoptions during the reporting period, but two American families resident in Niamey informed Post of the adoption of children born in third countries; they plan to petition for immigrant visas after the child has lived with the family for two years. In both cases, Post forwarded the final adoption documents to the U.S. Embassy in the source country to verify the adoption was legal under local laws. There were no indicators of fraud in either case.

#### g. Use of DNA Testing

¶11. Post requests DNA testing in cases in which there is no clear evidence of paternity. During this period, post processed immigrant visas in two cases that had been verified through earlier DNA testing. Post received negative DNA on one child in a special immigrant visa (SIV) case in which the principal applicant had been issued earlier. The alleged father claims that he did not know that the child, born to the third of his four wives, was not biologically related to him.

#### h. Asylum and Other DHS Benefit Fraud

¶12. Post processed a total of twelve YY visas in FY 2009 for relatives of individuals who received asylum based on persecution for their political beliefs or on claims of slavery. In two cases, DNA tests verified relationships that could not otherwise be documented. Another case of requested DNA is pending.

#### i. Alien Smuggling, Trafficking, Organized Crime, Terrorist Travel

¶13. No cases occurred during the reporting period.

j. DS Criminal Fraud Investigations  
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¶14. No cases occurred during the reporting period.

k. Host Country Passport, Identity Documents and Civil Registry  
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¶15. Niger's passports are of modern design with multiple security features, but the civil documents on which they are based are falsified easily. For example, a recent visa applicant had been previously refused under 6(c) after fingerprints revealed that he had traveled to the United States, overstayed, and been arrested using an entirely different identity. Loose naming conventions lead to discrepancies in the order and transliteration of names. Nigeriens will accept and use documents, including passports, in which their birth names have been reversed; post regularly refuses to accept visa applications until such passport errors have been corrected.

l. Cooperation with Host Government Authorities  
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¶16. Cooperation with host government authorities is generally good, but Post continues to examine carefully all visa applications transmitted through diplomatic channels because local practice extends this privilege to powerful individuals who have no official reason to travel. During the reporting period, post refused dip note processing for non-immigrant visas for three individuals who planned to travel to the United States to sell parcels, or lots, in a new subdivision of Niamey. The visa requests had been presented as official travel on behalf of the Ministry of African Integration and Overseas Nigeriens, but none of the individuals actually was a government employee.

m. Areas of Particular Concern  
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¶17. The most critical fraud challenge in Niger involves adjustment of status cases based on fraudulent divorce documents, because the opportunity to validate the divorce often arises only after LPR status has been granted. In a recent case, the Amcit wife contacted Post while her husband was back in Niger for his first visit home in nine years. She had discovered evidence that he was involved with a woman in Niger. Post investigation subsequently documented that he had been married by proxy during his stay in the United States and

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had consummated that marriage during his return visit, making him an active polygamist under U.S. law and leaving his American wife angry and hurt. That evidence was referred to DHS for action, but given the high rates and absolute acceptance of polygamy in Niger, there are doubtless many similar cases as yet undiscovered.

n. Staffing and Training  
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¶18. During FY 2009, post's experienced LES benefitted from the special training program provided for LES from small consular posts, further developing her expertise and professionalism. Post also benefits from an EFM who has expanded services to American citizens and updated our website. Over the medium term, consular services in Niamey would benefit from a second LES staff position, to provide backup to the current FSN and conduct fraud investigations on a more timely basis than we can do using the FSN Investigators who work for the RSO. Given the language complexities, it is not reasonable to assign investigations to the American EFM.

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